



# PUBLIC WORKS

CITY OF AUSTIN

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To: Environmental Commission

From: Lisa Killander  
City of Austin Public Works Department  
ISA Certified Arborist, TX 3735-A  
Tree Risk Assessment Qualified

Date: November 13, 2020

Re: Denial of request to remove –20-inch Cottonwood in the Right-of-Way (ROW) located at 13213 Villa Park Drive, Austin, Texas

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### **Posting Language:**

Consider a request from a private property owner, Patrick Fulker to appeal the Urban Forester's denial of application for an administrative approval, as provided for in City Code Section 6-3-91, to remove public trees located at 13213 Villa Park Drive, Austin, Texas 78729.

### **City's Determination:**

Denial of request to remove the following Public Tree:

20" COTTONWOOD TREE LOCATED WITHIN CITY ROW  
13213 VILLA PARK DRIVE, AUSTIN, TEXAS 78729

### **Right of appeal:**

A person may appeal a denial to remove a Public Tree to the Environmental Commission under City Code Section 6-3-91.

### **Action required of this Commission on appeal:**

The Commission may overrule, sustain, or modify the determination. City Code Section 6-3-93.

### **Summary of the Title 6 Process:**

Prior to removing a tree on public property, a person must obtain approval from the Urban Forester. The Urban Forester will review the request and either approve or deny the request in accordance with City Code 6-3-73. If the Urban Forester denies the request to remove a public tree, a person may appeal the denial to the Environmental Commission. During the hearing on the appeal, both staff and the person appealing the Urban Forester's decision may present

written information and address the Commission. Following the hearing on the appeal, City Code 6-3-91 requires that the Environmental Commission sustain, modify, or overrule the Urban Forester's decision regarding the tree/s in question.

### **Background and Discussion**

In January 2020, Patrick Fulker, homeowner at 13213 Villa Park Dr, applied to the Development Services Department (DSD) for a permit to remove two protected Cottonwood trees, sizes 34 and 20 inches diameter at breast height (DBH). DSD forwarded the request to Public Works Forestry (PWF) to make a determination of ownership.



On January 24, the site was visited by a Forestry Inspector who is also an ISA Certified Arborist. PWF informed DSD that the trees were in the ROW and should be preserved. DSD denied the permit as the trees were located in the City ROW and PWF determined the trees should remain.



In May, Mr. Fulker reached out to the PWF Program Manager directly to ask about options for removing the trees in the ROW. The Division Manager of Community Tree, the City Arborist, and other DSD and PWF personnel reviewed the decision to deny the removal. A decision was made that since the trees were healthy the denial for removal would stand.

On August 26, the Program Manager visited the site with another PWF Arborist. A conditional assessment was performed on the 20-inch Cottonwood. This tree had tight bark, good scaffold structure, and no evidence of insects or fungal conks. The canopy was moderately dense with healthy green leaves and no evidence of any large branch failure. For these reasons, PWF again denied permission to remove the 20-inch Cottonwood.



**Action Required of Commission for this Appeal:**

The Commission may overrule, sustain, or modify the City's determination to deny permission to remove the tree. City Code Section 6-3-93.